

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

**HAMLET LOPEZ**

**v.**

**C.A. No. 09-578 S**

**A.T. WALL ET AL.**

**MEMORANDUM AND ORDER**

Jacob Hagopian, Senior United States Magistrate Judge.

Presently before the Court is a motion “For Court Order Directing Plaintiff Lopez to Certify and Send Court Filings to the Attorney of Record” (Docket # 28). Defendants state that Mr. Palumbo did not receive a copy of “Plaintiff’s Opposition to Defendants Denial that Plaintiff Complied with the P.L.R.A.” from plaintiff, although he later received a copy from the office of the Department of Corrections Director A.T. Wall as well as from the Court Clerk’s Office. Defendants seek a court order requiring plaintiff, Hamlet Lopez, (i) to send a copy of all Court filings to Mr. Thomas Palumbo, the Assistant Attorney General who is the attorney of record in this action, and (ii) to stop sending Court filings to named defendants, the legal office of the Rhode Island Department of Corrections (“RIDOC”) and to any other RIDOC staff. As set forth below, defendants’ motion is GRANTED in part, and DENIED in part.

According to Rule 5 of the Federal Rules of Civil Procedure (“Rule 5”), certain papers, including certain pleadings, discovery papers and written motions, must be served on every party. Fed.R.Civ.P. 5(a)(1). Further, if a party is represented by an attorney, service under Rule 5 “must be made on the attorney” unless the court rules otherwise. Here, Mr. Palumbo is the attorney of record for the four defendants who have been served and answered in this action (A.T. Wall, C.O. Tyre, Matthew Kettle, and Investigator Catlow) and the Court has not ruled that service shall be made otherwise than on the attorney. Therefore, with respect defendants’ motion to order plaintiff to serve the court filings to which Rule 5(a)(1) refers on Mr. Palumbo, such motion is GRANTED. However, defendants do not provide any authority for an order prohibiting plaintiff from sending papers, including court filings, to other persons. Accordingly,

defendants' request for an order prohibiting plaintiff from sending papers to persons other than the attorney of record, defendants' motion is DENIED.

**IT IS SO ORDERED.**



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Jacob Hagopian  
Senior United States Magistrate Judge  
Date: *June 29, 2010*